

## MINUTES

of the T.R.A.D.E. Commission Meeting

held in

Radisson Blu Royal Hotel, Brussels

On August 28<sup>th</sup>, 2018 – 4:00-5:00 pm

### **1. Welcome**

Babak Tabeshian, Christine Borfiga and Benedikt Rohrßen open the meeting and welcome all attendees<sup>1</sup>.

### **2. Short introduction of the Commission to new members and introduction of the present participants**

Babak presents the Commission. All attendees introduce themselves.

### **3. A great “Thank you” to Christine Borfiga**

As Christine leaves her position as VP at this Congress, Babak thanks Christine for her activity and great efforts as the T.R.A.D.E. Commission’s VP in the past years.

### **4. Approval of the Commission minutes dated 25<sup>th</sup> May 2018 (HYC, Warsaw)**

The minutes are approved.

### **5. Feedback on the Commission’s recent activities**

a) The Work shop B “The Journey of Your Favourite T-shirt via the new Silk Road to Your Local Retailer: Challenges from a transport, distribution and lease law perspective”, organised together with the AIJA Commissions of Real Estate and Transport Law was very high quality and well attended. It covered the the challenges from a real estate, transport and distribution perspective with the following sub-topics:

- International infrastructure and connectivity: the Road and Belt Initiative
- Logistics agreements: an alternative to distribution agreements?
- Brick & Mortar: getting your leases and your distribution/franchise agreements in line with each other.

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<sup>1</sup> See Annex for list of attendees.

b) The Annual Trade Conference took place in Amsterdam on 12 to 14 April 2018 and was very well attended event, with a good mix of outside and in-house counsels. The venue was great and the social program very attractive.

## **6. Update on the Commission's activities for 2019**

Plan is to have again a practically-oriented T.R.A.D.E. Conference

Date: Most likely in March 2019.

Place: Possibly Athens or Madrid. Non-binding vote among the participants favours Madrid.

Participants interested in assisting with the organization: Caroline Conrad-Behr, Brian van Egmond and Jelle Blom.

Topics:

- Possibly together with IP/TMT: Retail Tech: How technology influences retail. How does IT affect the agreements underlying retail business?
- Suggestions discussed:
  - Perhaps including pricing algorithms. This might, however, be very apt for a joint session with Antitrust Commission, e.g. at the Antitrust Conference in Lyon 3-4 October 2019.
  - Data Protection in the relation between Franchisees and Franchisor under the still new GDPR
  - Digitalization / Its impact on Distribution
  - Geoblocking
  - Omnichannel

Possible new format: World coffee style.

Next Commission meetings will be at the HYC in Hong Kong in May 2019 and at the Rome Congress in September 2019.

## **7. Next Congress Rome 2019**

In Rome, the Commission is in discussions with other commissions whether to hold a workshop or a working session.

## **8. Agency Agreements Book Project by T.R.A.D.E. Commission Member Francesco Gozzo**

Ben reports about having been asked by our Commission Member Francesco Gozzo about contributions from AIJA Members for a new project, outside AIJA, i.e. publish a book on agency agreements in different legislations. It shall be a 2<sup>nd</sup> edition of a book first published in 2016. The aim is to "*raise the scientific*

*level of the book, and the number of countries (the first had 56)."* Once we get further information from Francesco about the project's details, we can discuss and eventually forward them. Besides, David Diris from the Forum of the Commissions has been informed of this project as well and we can discuss further if there is any involvement of higher AIJA level is required/desired.

**9. Feedback on the Commission's Newsletter and encouragement to send in interesting articles, comments etc.**

Caroline Conrad-Behr volunteers as further Commission's Communication Officer. Next newsletter shall be sent out in the middle of autumn. Babak encourages all Commission members to send articles on legal developments and personal news (change of firm, participation in various events, publications, etc.) for the next newsletter.

**10. Encouragement to be active in the Commission's Social media network on LinkedIn**

Christine encourages the attendees to join LinkedIn and be active on the platform.

No further points to be discussed, nor raised. Meeting is closed at 5.00 pm.

**The T.R.A.D.E. Commission Presidency**

Babak Tabeshian

Christine Borfiga

Benedikt Rohrßen

**Annex: List of Attendees**

- Christine Borfiga
- Babak Tabeshian
- Benedikt Rohrßen
- Rebekka Stumpfrock
- Chloé Lapoujade
- Caroline Conrad-Behr
- José Miguel Algorta
- Mercé Ribatallada

- Kazuma Higuchi
- Marijn DE RUYSSCHER
- Geert Philipsen
- Michel Seegers
- Jelle Blom
- Marc van der Velden
- Rikke Mynster Johansen
- Koen T'Syen
- David Roche
- Chloe Taylor
- Brian van Egmond
- Giuliano Stasio
- Alex Watt
- Perre Vermeire
- Alessandro Paci